FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.4594 OF 2005
IN
FIRST APPEAL NO.1934 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.C.J.Sawant with Mr.P.D.Dalvi for applicant.

Mr.A.K.Abhyankar with Mr.R.S.Patil for res.No.1.

Mrs.Geeta Mulekar, AGP for res.Nos.2 and 3.

CORAM : H.L GOKHALE &
SMT.R.S.DALVI, JJ.
DATED : 20th October 2005

P.C. :

1. Heard Mr.Sawant in support of this Application. Mr.Abhyankar appears for the 1st respondent.

2. Mr.Sawant, learned Counsel appearing for the applicant, applies for stay. He, however, submits that instead of the full amount under the Award, the applicant be directed to deposit a much lesser amount. According to him, it should be just about 25%.

The ground given is that the reduction, which is expected to be made, is not made correctly as seen in paragraph 39 of the impugned judgment and Award.

3. Mr.Abhyankar, learned Counsel appearing for respondent No.1, on the other hand, points out that in the present case, a notice under Section 6 of the Land Acquisition Act has been issued in January 1988. The learned Judge has referred to two prior instances in paragraphs 29 and 36 in the impugned judgment and Award where the the parts of the lands belonging to the respondents were acquired and the compensation was given at Rs.185/- per sq. meter. In the instant case, the compensation is given at Rs.150/- per sq. meter. He, therefore, submits that there is no case for any reduction. We accept this submission of Mr.Abhyankar.

4. There will be a stay of the impugned judgment and Award on the applicant depositing the decretal amount in the trial Court. The amount may be deposited within three months from today. On the amount being deposited, half the amount may be paid to the respondents on a security being given to the satisfaction of the trial Court and the remaining half by giving a Bank Guarantee of a Nationalised Bank, to be kept alive during the pendency and disposal of the Appeal. Civil Application stands disposed of.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)